



**AGENDA
NIAGARA COUNTY LEGISLATURE
June 16, 2020 – 5:30 P.M. Live on LCTV 1303**

1. CALL TO ORDER
2. CLERK CALLS THE ROLL
3. PRAYER & PLEDGE
4. CORRESPONDENCE/ RECOGNITION:
5. PRESENTATIONS: Elder Abuse Awareness Month
6. PUBLIC SPEAKERS: Clerk will read the names on the sheet for Public Speakers on Agenda items.
7. RECESS
8. RESOLUTIONS
9. COUNTY MANAGER
10. APPOINTMENTS:
11. EXECUTIVE SESSION
12. ADJOURNMENT
13. PUBLIC SPEAKERS: Clerk will read names on the sheet for Public Speakers for the General Welfare of the County

Mary Jo Tamburlin

Mary Jo Tamburlin, Clerk
Niagara County Legislature

The next meeting of the Legislature will be held on August 4, 2020



AGENDA
NIAGARA COUNTY LEGISLATURE
June 16, 2020 – 5:30 P.M. Live on LCTV 1303

Regular Meeting – June 16, 2020

- *AD-011-20** Administration, re Revision of the Niagara County Purchasing Guidelines – Purchasing
- *AD-012-20** Administration, re Distribution of Mortgage Tax - Treasurer
- *CS-024-20** Community Services and Administration, re Public Hearing for NCCC FY 2020-2021 Maintenance and Operating Budget
- *CSS-028-20** Community Safety & Security and Administration, re Edward Byrne Memorial Assistance Grant Application and the Memorandum of Understanding with the City of Niagara Falls - DA
- *CSS-029-20** Community Safety & Security and Administration, re Niagara County Sheriff's Office School Resource Officer Agreement with Starpoint Central School District
- *CSS-030-20** Community Safety & Security and Administration, re 2020 Budget Modification Fire Coordinators Office – Accept Payment for Hazmat Incident on 3/28/20
- *CSS-031-20** Community Safety & Security and Administration, re Accept Office of Indigent Legal Services (OILS) Distribution #'s (C000529), #5 (C000729), and #8 (C800029 Grants – PD
- CW-017-20** Committee of the Whole, re Support for North Tonawanda Charlie Fleischman Park
- *IF-070-20** Infrastructure & Facilities and Administration, re Niagara County Jail Sanitary Lift Pump Replacements - Change Order No. 1
- *IF-071-20** Infrastructure & Facilities and Administration, re Niagara County Roof Replacement Project - Change Order No. 2
- *IF-072-20** Infrastructure & Facilities and Administration, re Bridge Bearings and Lubrication Contract - Consultant Amendment No. 1

- *IF-073-20 Infrastructure & Facilities and Administration, re Slayton Settlement Road Bridge over Eighteen Mile Creek Consultant Amendment No. 1
- *IF-074-20 Infrastructure & Facilities, re Award of Contract - Slayton Settlement Road Bridge over Eighteen Mile Creek
- *IF-075-20 Infrastructure & Facilities and Administration, re Award Sunset Drive Rehabilitation and Drainage Improvements Consultant Contract for Surveying Services
- *IF-076-20 Infrastructure & Facilities, re Akron Road Pavement Rehabilitation Federal and Local Project Agreement
- *IF-077-20 Infrastructure & Facilities and Administration, re Slayton Settlement Road Bridge over Eighteen Mile Creek PIN 5762.96 - Bridge NY - Supplement Agreement No. 1
- *IF-078-20 Infrastructure & Facilities and Administration, re Budget Modification - Acceptance of Funds from CARES Act - COVID 19
- *IF-079-20 Infrastructure & Facilities, re Agreement between the County of Niagara and Newfane Central School
- *IF-080-20 Infrastructure & Facilities, re Agreement between the County of Niagara and Anchoring Hope of NY, Inc.
- *IF-081-20 Infrastructure & Facilities and Administration, re Bridge Painting and Steel Repairs: Robinson Road Bridge over the Erie Canal Change Order No. 1



Mary Jo Tamburlin, Clerk
Niagara County Legislature

*** Indicates Preferred Agenda items**

Attachments for resolutions may be obtained in the office of the Clerk of the Legislature upon request.

The next meeting of the Legislature will be held on August 4, 2020

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 06/16/20 RESOLUTION # AD-011-20

APPROVED CO. ATTORNEY REVIEWED CO. MANAGER COMMITTEE ACTION LEGISLATIVE ACTION

[Signature]

REVISION OF NIAGARA COUNTY PURCHASING GUIDELINES

WHEREAS, Section 104-b of the New York State General Municipal Law requires that the governing board of every political subdivision shall adopt, by resolution, internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of Section 103 of New York State General Municipal Law or of any other general, special or local law, and

WHEREAS, said guidelines will be an addition to existing purchasing rules and regulations as established by Resolution 161-78 and Resolution 399-91, and will supersede Resolution AD-034-17 (the "Purchasing Guidelines"), and

WHEREAS, the Office of Management and Budget, Division of Purchasing, proposes that the County's Purchasing Guidelines be amended to include specific reference to the handling of micro-purchases under Uniform Guidance for Federal Awards - Procurement, Suspension and Disbarment as shown on the annexed Schedule, and

RESOLVED, that the Legislature of Niagara County hereby approves the amendment to the Niagara County Purchasing Guidelines and authorizes the Department of Management and Budget, Division of Purchasing to make such amendment to the Purchasing Guidelines as shown on the annexed Schedule (D.), effective immediately.

NIAGARA COUNTY PURCHASING PROCEDURES AND GUIDELINES

New York State law (General Municipal Law, Section 104-b) requires that specific guidelines be established regulating the procurement of goods and services with a value of \$20,000 or less for purchase of commodities, equipment or goods and \$35,000 or less for public works contracts. The following Niagara County guidelines are meant to facilitate the acquisition of goods and services of appropriate quality from the appropriate source at the best possible price.

PROCEDURES AND GUIDELINES FOR THE PURCHASE OF COMMODITIES, EQUIPMENT OR GOODS

Table with 2 columns: Dollar Limits and Guideline. Row 1: \$0 - \$3,499, At the discretion of the Office of Management and Budget, Purchasing Division, solicit documented telephone and/or written quotations from one or more vendors (if available). Row 2: \$3,500 - \$19,999, Solicit written quotations from at least two (2) vendors (if available).

\$20,000 and up Advertise for sealed bids in conformance with General Municipal Law, Sect. 103.

If low bidder is not selected, proper justification and documentation is required from the user department in accordance with section 104-b(2)(e) of the General Municipal Law. Otherwise, purchases will be awarded to the lowest responsible and responsive bidder.

GUIDELINES FOR PUBLIC WORKS PROJECTS/CONTRACTS

(Projects/contracts that require the joint procurement of labor, services, and materials for capital projects.)

Dollar Limits

\$0 – \$3,499

Guideline

At the discretion of the Public Works Department, and/or Office of Management and Budget, Purchasing Division.

\$3,500 - \$34,999

Solicit written quotations from at least two (2) vendors (if available).

\$35,000 and up

Advertise for sealed bids in conformance with General Municipal Law, Sect. 103.

If low bidder is not selected, proper justification and documentation is required from the Department of Public Works in accordance with section 104-b(2)(e) of the General Municipal Law. Otherwise, projects/contracts will be awarded to the lowest responsible and responsive bidder.

GUIDELINES FOR LEASING/RENTALS

The lease or rental agreement must be a true lease or rental and not an arrangement to lease or rent where the effect is a purchase. The Purchasing Department will solicit written quotations from at least two (2) vendors (if available) for all lease or rental agreements.

If the low bidder is not selected, proper justification and documentation is required from the user department in accordance with section 104-b(2)(e) of the General Municipal Law. Otherwise, lease or rental will be awarded to the lowest responsible and responsive bidder.

GUIDELINES FOR PROFESSIONAL SERVICES CONTRACTS

(These guidelines are also used for Contracted Services)

\$0 - \$3,499

Departmental discretion with either Purchase Order or Contract.

\$3,500 - \$19,999

Solicit written quotations from at least two (2) vendors (if available).

\$20,000 and up

Advertise for Request for Proposals.

The Home Committee with subsequent Legislative approval can waive the aforementioned "Purchasing Guideline" regardless of dollar amount for any professional service contract.

The Purchasing Guidelines are not part of a Local Law and because there is no New York State Law on Professional Services no Local Law is necessary. It is within the purview of the Niagara County Legislature to waive the guidelines on any purchase of professional services as deemed necessary by a majority of the Legislature.

AUDIT SERVICES CONTRACTS

For the purpose of entering into a contractual agreement with an outside firm for auditing services, the user departments are required to follow the guidelines set forth in Resolution 165-92 dated May 5, 1992.

If low bidder is not selected, proper justification and documentation is required from the user department in accordance with section 104-b(2)(e) of the General Municipal Law. Such justification and documentation should be kept on file in user department with copy going to Purchasing Department.

ADMINISTRATION COMMITTEE

CITIES	Lockport	\$ 111,961.46
	Niagara Falls	201,479.45
	North Tonawanda	<u>227,798.52</u>
	TOTAL:	\$1,595,544.64

and be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to pay the Supervisors of the various towns, village treasurers, and city treasurers the amounts recorded above and that this document shall be sufficient authorization to the County Treasurer to make the payments in accordance with the above direction.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 06/16/20 **RESOLUTION #** CSS-028-20
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>CSS - 6/8/20</u> <u>AD - 6/8/20</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**EDWARD BYRNE MEMORIAL ASSISTANCE GRANT APPLICATION AND THE
MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NIAGARA FALLS**

WHEREAS, the County and the City of Niagara Falls ("CITY") would like to apply to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for grant funding under the Edward Byrne Memorial Assistance Grant in the amount of \$44,114.00, and

WHEREAS, the County and the City would like to allocate the full amount of the grant funds to be used by the Niagara Falls Police Department to retain civilian police liaison teams and purchase handheld radios, now, therefore, be it

RESOLVED, that the grant application is hereby approved, and the Chairman of the Legislature is authorized to execute any necessary documents conditioned on County Attorney approval, and be it further

RESOLVED, that the County and the City enter into a Memorandum of Understanding concerning the above, and the Chairman of the Legislature be authorized to execute the same, conditioned on County Attorney approval.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 06/16/20 **RESOLUTION #** CSS-029-20
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>CSS - 6/8/20</u> <u>AD - 6/8/20</u> _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**NIAGARA COUNTY SHERIFF'S OFFICE
SCHOOL RESOURCE OFFICER AGREEMENT WITH
STARPOINT CENTRAL SCHOOL DISTRICT**

WHEREAS, the Niagara County Sheriff's Office has been in an agreement with Starpoint Central School District to provide a Deputy Sheriff as a School Resource Officer in exchange for compensation from the School District, and

WHEREAS, the term of the original agreement was July 1, 2016 through June 30, 2019, and

WHEREAS, the Niagara County Legislature voted on June 18, 2019 to approve an extension of the contract through June 30, 2020, and

WHEREAS, school safety remains a high priority for Niagara County and the Starpoint Central School District, and

WHEREAS, the Niagara County Sheriff's Office and the Starpoint Central School District would like to extend the current agreement, now, therefore, be it

RESOLVED, that County Attorney will draft a one year extension to the current agreement, and be it further

RESOLVED, that following the County Attorney's review and approval of an agreement, that the Chairman of the Legislature be, and hereby is, authorized to execute this agreement.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee and Administration Committee DATE: 06/16/20 RESOLUTION # CSS-030-20

APPROVED CO. ATTORNEY REVIEWED CO. MANAGER COMMITTEE ACTION CSS - 6/8/20 AD - 6/8/20 LEGISLATIVE ACTION Approved: Ayes Abs. Noes Rejected: Ayes Abs. Noes Referred:

2020 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE ACCEPT PAYMENT FOR HAZ-MAT INCIDENT ON 3/28/20

WHEREAS, the County Haz-Mat team responded to an incident on March 28, 2020 and some supplies used at the scene are not reusable, and

WHEREAS, under New York State's Navigation and Environmental Conservation Laws, the responsible party is liable for all costs associated with containment, cleanup and removal of spilled and contaminated materials, and

WHEREAS, the Fire Coordinator's Office invoiced and received payment for the replacement of these supplies from the responsible party in the amount of \$4,599.82, and

WHEREAS, the Fire Coordinator's Office needs to replenish the supplies used by the Haz-Mat, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2020 budget modification be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02 Other Compensation for Loss Reimbursements \$ 4,599.82

INCREASE APPROPRIATION:

A.19.3410.000 74750.10 Supplies, Gen Hazmat Inventory \$ 4,599.82

COMMUNITY SAFETY & SECURITY COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 06/16/20 **RESOLUTION #** CSS-031-20
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>CSS - 6/8/20</u> <u>AD - 6/8/20</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE
ACCEPT OFFICE OF INDIGENT LEGAL SERVICES (OILS)
DISTRIBUTION #'s 4 (C000529), #5 (C000729), and #8 (C800029) GRANTS**

WHEREAS, the Niagara County Public Defender's Office has received an award from the New York State Office of Indigent Legal Services (OILS) in the aggregate amount of \$ 1,646,445; these individual grants cover distinct Periods; Distribution #4 (C000529) in the amount of US\$ 329,289 covering the years 2014-2016 solely, #5 (C000729) in the amount of US\$ 658,578 covering the years 2015-2017 solely, and #8 (C800029) in the amount of US\$ 658,578 covering the years 2018-2020 solely, and

WHEREAS, funding from the New York State Office of Indigent Legal Services for the above items is necessary so that the Niagara County Public Defender's Office can continue providing quality services pursuant to Article 18-B of the County Law, now, therefore, be it

RESOLVED, that prior to the execution of the grant, the County Attorney will review the grant for approval to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be and hereby is authorized to execute this grant.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole **DATE:** 06/16/20 **RESOLUTION #** CW-017-20

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>CW - 6/16/20</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

SUPPORT FOR NORTH TONAWANDA CHARLIE FLEISCHMAN PARK

WHEREAS, the Niagara Power Coalition (“NPC”) and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee (“HCSC”), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, North Tonawanda has made application to the Niagara County’s Ad Hoc Committee on Parks, Recreation and Tourism for Greenway funds for funding the Charlie Fleischman Park project which is necessary to complete the total Downtown Placemaking project which includes the Charlie Fleischman Park, and

WHEREAS, the objective of the Charlie Fleischman Park project is to provide residents and visitors with a more appropriate destination and safer access to the park, and

WHEREAS, the Charlie Fleischman Park improvement project is a park to be used for events, fairs, and parades, and

WHEREAS, the Charlie Fleischman Park is a central public square to be more than doubled in size by the project, allowing safer access for tourists and residents alike, and

WHEREAS, this funding will fill a budget gap to allow the complete redevelopment of Charlie Fleischman Park including the signature clock tower that could not be constructed without the Niagara County Greenway funds, and

WHEREAS, the funding will allow the City of North Tonawanda to continue making it a destination spot in Western New York and specifically Niagara County, and

WHEREAS, the Charlie Fleischman Park project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission’s guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, the Charlie Fleischman Park project will promote increased access to the City of North Tonawanda and the County’s historical and cultural sites, and

WHEREAS, the Charlie Fleischman Park project has the support and approval of the Niagara County Legislator Richard L. Andres, and the City of North Tonawanda, and

WHEREAS, the Ad Hoc Committee for Parks, Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee, recommends that Niagara County approve and support this project, and

WHEREAS, the Charlie Fleischman Park project has utilized great effort and is complimented for being able to receive additional funding and support from other organizations whereby they are requesting the sum of \$200,000.00 for said project on the total overall project costing over 1.3 million dollars, and

WHEREAS, the City of North Tonawanda has embraced this project as a vital component of the continued revitalization of the recreational and cultural points of interest in the City of North Tonawanda, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by the City of North Tonawanda, the remaining \$200,000.00 of funds is being requested for the Charlie Fleischman Park project, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$200,000.00 subject to NYPA Funding for Greenway Projects for North Tonawanda Charlie Fleischman Park Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 06/16/20 **RESOLUTION #** IF-071-20
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER	COMMITTEE ACTION IF - 6/8/20 AD - 6/8/20	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**NIAGARA COUNTY ROOF REPLACEMENT PROJECT
CHANGE ORDER NO. 2**

WHEREAS, by Resolution No. IF-090-19, dated August 6, 2019, the Legislature awarded the contract for the Niagara County Roof Replacement Project to Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, NY 14214, for a contract amount of \$2,868,000, and

WHEREAS, Resolution No. IF-005-20, dated January 21, 2020, authorized Change Order No. 1 to decrease the contract in the amount of \$27,446.46 for installing retrofit drain pipes in lieu of roof drain replacement and installing additional ½” exterior grade plywood, for a revised contract amount of \$2,840,553.54, and

WHEREAS, it is necessary to increase the contract in the amount of \$139,012.71 for the following: removal of tapered insulation and installation of flat insulation at the Ross Building; removal of tapered insulation in select roof areas and installation of flat insulation in those areas; removal of existing concrete curb and infill with steel deck at the Trott Building; replacement of roof top units 1-5 with new Trane units at the Trott Building; and replacement of air handler units 1-3 and refrigeration a/c coils at the Trott Building, for a revised contract amount of \$2,979,566.25, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to allow the Niagara County Roof Replacement Project to proceed:

DECREASE ESTIMATED REVENUE:

H611.15.1620.000 45730.14	Bond Anticipation Notes 2014	\$50,000
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DECREASE APPROPRIATIONS:

H611.15.1620.000 72200.01	Building Improvements 2014	\$50,000
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INCREASE ESTIMATED REVENUE:

H664.15.1620.000 45730.14	Bond Anticipation Notes 2014	\$50,000
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INCREASE APPROPRIATIONS:

H664.15.1620.000 72200.01	Building Improvements 2014	\$50,000
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and be it further

RESOLVED, that Change Order No. 2 to increase the contract by \$139,012.71 for the Niagara County Roof Replacement Project, for a revised contract amount of \$2,979,566.25, to Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, NY 14214, be approved, and be it further

RESOLVED, that, following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 06/16/20 **RESOLUTION #** IF-072-20
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 6/8/20</u> <u>AD - 6/8/20</u> _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**BRIDGE BEARINGS AND LUBRICATION CONTRACT
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-052-19, dated April 9, 2019, authorized the contract for consultant services for the Bridge Bearings and Lubrication Project to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount of \$76,000, and

WHEREAS, it is necessary to increase the contract in the amount of \$18,451.20 to allow for four (4) additional weeks of full-time inspection services to match the Contractor's proposed work schedule, for a revised contract amount of \$94,451.20, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that Amendment No. 1 to increase the contract by \$18,451.20 for the Bridge Bearings and Lubrication Project, for a revised contract amount of \$94,451.20, be approved, and be it further

RESOLVED, that, following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 06/16/20 **RESOLUTION #** IF-073-20
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 6/8/20</u> <u>AD - 6/8/20</u> _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**SLAYTON SETTLEMENT ROAD BRIDGE OVER EIGHTEEN MILE CREEK
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-001-19, dated January 15, 2019, authorized the contract for consultant services for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount of \$290,000, and

WHEREAS, it is necessary to increase the contract in the amount of \$200,000 for construction inspection and construction administration, for a revised contract amount of \$490,000, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that Amendment No. 1 to increase the contract by \$200,000 for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project, for a revised contract amount of \$490,000 be approved, and be it further

RESOLVED, that, following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 06/16/20 RESOLUTION # IF-074-20

APPROVED CO. ATTORNEY REVIEWED CO. MANAGER COMMITTEE ACTION LEGISLATIVE ACTION

[Signature]

AWARD OF CONTRACT – SLAYTON SETTLEMENT ROAD BRIDGE OVER EIGHTEEN MILE CREEK

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project, and

WHEREAS, funds are available in account number H670.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 5, 2020 as tabulated below:

- 1. Edbauer Construction \$1,254,188.50
2. Concrete Applied Technologies Corp. \$1,264,499.00
3. Oakgrove Construction \$1,399,653.00
4. Hunting Valley Construction \$1,467,698.25
5. Keeler Construction \$1,576,516.00
6. Mark Cerrone Inc. \$1,588,468.00

and

WHEREAS, the Infrastructure & Facilities Committee has examined the bid, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the contract for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project be awarded to the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, in the amount of \$1,254,188.50, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 06/16/20 **RESOLUTION #** IF-075-20
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 6/8/20</u> <u>AD - 6/8/20</u> _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**AWARD SUNSET DRIVE REHABILITATION AND DRAINAGE IMPROVEMENTS
CONSULTANT CONTRACT FOR SURVEYING SERVICES**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with surveying the Sunset Drive Rehabilitation and Drainage Improvements Project, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to allow the project to proceed:

INCREASE REVENUE:

H706.15.5112.000 43501.00	Consol Highway Aid Revenue	\$150,000
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INCREASE APPROPRIATIONS:

H706.15.5112.000 72600.01	Infrastructure Roads	\$150,000
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and be it further

RESOLVED, that the consultant services contract for surveying of the Sunset Drive Rehabilitation and Drainage Improvements Project be awarded to Popli Design Group, 555 Penbrooke Drive, Penfield, NY 14526, for a contract amount not to exceed \$44,981, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 06/16/20 **RESOLUTION #** IF-076-20

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>IF - 6/8/20</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**AKRON ROAD PAVEMENT REHABILITATION
FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Akron Road Pavement Rehabilitation Project, Dysinger Rd-Lockport City Line, Town of Lockport, Niagara County, PIN 5763.13 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI) phases of the project, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby approves the above-subject project, and be it further

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Preliminary Engineering (Design I-VI) phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$200,000 is hereby appropriated in account H701.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Preliminary Engineering (Design I-VI) phases exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

RESOLVED, that the Chair of the Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal Aid on behalf of the County of Niagara with the New York State Department of Transportation, in connection with the advancement or approval of the Project providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents, and be it further

RESOLVED, that this Resolution shall take effect immediately.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 06/16/20 **RESOLUTION #** IF-077-20
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 6/8/20</u> <u>AD - 6/8/20</u> _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**SLAYTON SETTLEMENT ROAD BRIDGE OVER EIGHTEEN MILE CREEK
PIN 5762.96
BRIDGE NY - SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, the Slayton Settlement Road Bridge over Eighteen Mile Creek Project, PIN 5762.96 (the "Project"), Town of Royalton, Niagara County, is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% federal funds and 5% non-federal funds, and

WHEREAS, the County of Niagara will design, let, and construct the Project, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby approves the above-subject project, and be it further

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay 100% of the costs of the Preliminary Engineering (Design I-VI) and Construction/Construction Inspection phases of the Project or portions thereof, with the understanding that qualified costs may be eligible for federal aid, state aid, or reimbursement from Bridge NY funds, and be it further

RESOLVED, that the following budget modification be effectuated to reflect the funding levels set forth by Schedule A in the agreement:

INCREASE ESTIMATED REVENUE:

H670.15.5197.000 44597.01	Fed Aid Cap Const Hwy Revenue	\$1,898,755.50
H670.15.5197.000 43501.00	CHIPS	\$ 64,934.50

INCREASE ESTIMATED APPROPRIATIONS:

H670.15.5197.000 72600.02	Infrastructure Bridges	\$1,963,690.00
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and be it further

RESOLVED, that the sum of \$2,288,690.00 is hereby appropriated in account H670.15.5197.000 72600.02, Infrastructure Bridges, and is made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that the Niagara County Legislature hereby agrees that the County of Niagara shall be responsible for all costs of the Project which exceed the amount of the federal aid, state aid, or Bridge NY funding awarded to the County of Niagara, and be it further

RESOLVED, that in the event the Project costs not covered by federal aid, state aid, or Bridge NY funding exceed the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

RESOLVED, that the County of Niagara hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and the construction phase of the Project shall be completed within three (3) years, and be it further

RESOLVED, that the Chair of the Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary Agreements, certifications, or reimbursement requests for federal aid and/or state aid on behalf of the County of Niagara with the New York State Department of Transportation, in connection with the advancement or approval of the Project providing for the administration of the Project and the County of Niagara's funding of Project costs and permanent funding of the local share of federal aid and/or state aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents, and be it further

RESOLVED, that this Resolution shall take effect immediately.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 06/16/20 RESOLUTION # IF-078-20
and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 6/8/20</u>	Approved: Ayes _____ Abs. _____ Noes _____
	_____	<u>AD - 6/8/20</u>	Rejected: Ayes _____ Abs. _____ Noes _____
		_____	Referred: _____

BUDGET MODIFICATION
ACCEPTANCE OF FUND FROM CARES ACT – COVID 19

WHEREAS, the Niagara County Department of Public Works is the recipient of \$461,744 from the New York State Department of Transportation, to support the rural public transportation system, from the Coronavirus Aid, Relief and Economic Security (CARES) Act for the period of January 20, 2020 through December 31, 2022, and

WHEREAS, such funds are to be used for the operating activities related to COVID-19, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that Niagara County accepts the \$461,744 to assist with the operation of the Rural Transportation Program within Niagara County, and be it further

RESOLVED, that, following the County Attorney’s review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 06/16/20 **RESOLUTION #** IF-079-20

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 6/8/20</u> _____ _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND NEWFANE CENTRAL SCHOOL

WHEREAS, the Newfane Central School has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a Graduation Ceremony, and

WHEREAS, it is the wish of the Newfane Central School to hold the Graduation Ceremony on June 27, 2020, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Newfane Central School, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Newfane Central School, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Newfane Central School.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 06/16/20 **RESOLUTION #** IF-080-20

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 6/8/20</u> _____ _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND ANCHORING HOPE OF NY, INC.

WHEREAS, Anchoring Hope of NY, Inc. has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a 5K Walk and Basket Raffle, and

WHEREAS, it is the wish of Anchoring Hope of NY, Inc. to hold the 5K Walk and Basket Raffle on September 19, 2020, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Anchoring Hope of NY, Inc., and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Anchoring Hope of NY, Inc., the County Attorney will review said Agreement for approval as to legal form, language, and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Anchoring Hope of NY, Inc.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 06/16/20 **RESOLUTION #** IF-081-20
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>IF - 6/8/20</u> <u>AD - 6/8/20</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**BRIDGE PAINTING AND STEEL REPAIRS:
ROBINSON ROAD BRIDGE OVER THE ERIE CANAL
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. IF-040-20, dated March 10, 2020, the Legislature awarded the contract for the Bridge Painting and Steel Repairs of Robinson Road Bridge over the Erie Canal Project to Niagara Coatings, 8025 Quarry Road, Niagara Falls, NY 14304, for a contract amount of \$273,999.54, and

WHEREAS, this award was to perform some steel repairs, clean, and repaint the ends of each girder and the outside girders, and

WHEREAS, upon closer inspection it is necessary to increase the contract in the amount of \$197,777.46 in order to paint the steel on the entire bridge, for a revised contract amount of \$471,777.00, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to allow the project to proceed:

INCREASE REVENUE:

D.15.5120.000 43501.00 Consol Highway Aid Revenue \$250,000

INCREASE APPROPRIATIONS:

D.15.5120.000 74800.06 Bridge Repairs and Maintenance \$250,000

and be it further

RESOLVED, that Change Order No. 1 to increase the contract by \$197,777.46 for the Bridge Painting and Steel Repairs for the Robinson Road Bridge over the Erie Canal Project, for a revised contract amount of \$471,777.00, to Niagara Coatings, 8025 Quarry Road, Niagara Falls, NY 14304, be approved, and be it further

RESOLVED, that, following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE